



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 19 2010

REPLY TO THE ATTENTION OF:

**WW-16J**

U.S. Army Corps of Engineers, Louisville District  
ATTN: Devetta Hill, CELRL-OP-FW  
P.O. Box 489  
Newburgh, Indiana 47629-0489

Re: Public Notice No. LRL-2008-913 / Triad Mining-Augusta Mine

Dear Ms. Hill:

The United States Environmental Protection Agency has received and reviewed the revised Section 404 permit application and supporting documents dated October 4, 2010 for the Augusta Mine. EPA acknowledges that substantial revisions have been made to the application and offers the following comments based on our permit review.

**Permit Application**

There is a discrepancy between the impact and mitigation maps compared to the Abandoned Mine Lands (AML) 309 plan view map. The discrepancy is in the proposed limits of fill near the AL2E stream. The actual proposed impacts must be clarified and all maps must reflect the same information and any necessary changes made to the amount of fill proposed.

The permit application generally discusses culvert replacement under SR 61, but the exact location and drainage area have not been specified. The size and placement of this culvert need to facilitate sediment transport and aquatic life movement to be incorporated into the natural channel design. More specific information must be provided on these items prior to permit issuance.

Overall, the mitigation ratios proposed for streams and wetlands are adequate. However, EPA does not support the use of stream AL2E as mitigation. This stream will serve as the conduit for directing pretreated acidic water into bioreactor cells as a component of the AML project. Thus, no mitigation credit should be given for this section of stream and the applicant should include additional on-site mitigation to compensate for the deficit.

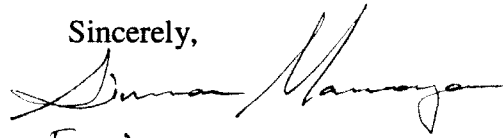
Also, within the mitigation design, some of the Rosgen "C" type streams are proposed to be restored with a very low sinuosity of 1.03 or 1.04. Typically, Rosgen "C"

type streams are more sinuous. EPA recommends that the sinuosity proposed for each mitigation reach be commensurate with the Rosgen stream type proposed for each mitigation reach.

As discussed in previous letters, the applicant must classify streams as ephemeral, intermittent, or perennial and wetlands as emergent, scrub/shrub, or forested. The report and all associated documents should be updated to reflect this change.

Additionally, financial assurances are required to ensure the success of mitigation for impacts under Section 404 in addition to those required for reclamation by SMCRA. The applicant must address financial assurances in the Section 404 context to achieve compliance with the 2008 Compensatory Mitigation Rule.

In conclusion, the Corps must consider these comments prior to issuance of a permit. Thank you for the opportunity to provide comments on the public notice and permit documents. If you have any questions, please contact Andrea Schaller at (312)866-0746.

Sincerely,  
  
For ✓  
Peter Swenson, Chief  
Watersheds and Wetlands Branch

cc: Randy Braun, Section Chief  
Section 401 WQC Program  
Indiana Department of Environmental Management  
100 N. Senate Avenue  
MC 65-42 WQS IGCN 1255  
Indianapolis, Indiana 46204

Michael Litwin  
Bloomington Ecological Services Field Office  
U.S. Fish and Wildlife Service  
620 South Walker Street  
Bloomington, Indiana 47403